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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,610	12/05/2003	Lawrence Johnson	112025-0421C1	2516

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CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/728,610

Applicant(s)

JOHNSON ET AL.

Examiner

Quynh H. Nguyen

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE and amendment filed 5/1/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett (U.S. Patent 5,590,188) in view of Bell et al. (U.S. Patent 6,549,619).

As to claims 1-2, 8-9 and 15-16, Crockett teaches a method for controlling call routing by a communication system (col. 4, lines 20-22 and 49-51), comprising: receiving a call (col. 4, lines 59-62); executing a script in response to receiving a call (col. 4, lines 51-65), said script having instructions that when executed by the system control routing of said call in the system, the script including at least one call routing instruction that references a destination of the call (col. 5, lines 2-54), a value of the variable specifying a destination of the call and setting the variable (col. 4, lines 33-38 - *time of day and day of week are variables*) equal to the value, to determine the destination of the call in response to the value (col. 13, lines 23-31; col. 14, lines 21-39 - *where Crockett discussed a value of the variable, i.e. time, ANI from Eastern, Central, Mountain, Texas, New Jersey, etc., specify a destination of the call, for example, ANI from Eastern, prefer routing the call to Boston*).

Crockett does not explicitly teach reading the value for the variable from a database, said database having said value updated in response to action by a user.

Art Unit: 2614

Bell et al. teaches a subscriber may update/change a caller list that contains telephone number (col. 5, lines 21-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bell into the teachings of Crockett for the purpose of providing users with the speed and convenience when the user desires to modify information stored in a database at any desirable time. Furthermore, information in a database would require updating either automatically (as discussed by Crockett, col. 7, lines 2-9) or manually periodically. It would not make any sense leaving information in the database without updating. For example, information regarding routing in the database since 1988 that never get updated.

As to claims 3, 10, and 17, Crockett teaches a method of computing a variable expression, in response to execution of said at least one call routing instruction, in determine the destination (col. 5, lines 46-54).

As to claims 4, 7, 11, 14, 18, and 21, Crockett teaches specifying by the at least one call routing instruction, one of a telephone number, trunk group, and DNIS to which the call is to be routed (col. 5, lines 46-54).

Claims 5-6, 12-13, and 19-20 are rejected for the same reasons as discussed above with respect to the last two limitations of claim 1.

Claims 22-23 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Crockett teaches a computer readable media having instructions written for execution on a processor (abstract, lines 1-2; col. 4, lines 49-55).

Art Unit: 2614

Claims 24, 27, 30, and 33 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Crockett teaches the call routing instruction including at least one variable whose value is undetermined prior to run-time of the call routing instruction (col. 4, lines 32-37; col. 13, lines 23-31; a value of the variable specifying a particular trunk group or a DNIS (col. 15, lines 7-20 -*where Crockett discussed different translation represent different destination for the call and there are different subset of customer's list of destination, hence It would have been obvious to one of ordinary skill in the art the variable could be a telephone number, a trunk group, or DNIS*).

Claims 25-26, 28-29, 31-32, and 34-35 are rejected for the same reasons as discussed above with respect to the last two limitations of claim 1.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2614

4. Claims 1-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,665,393.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

Applicant mainly argues that Crockett and Bell do not teach "at least one call routing instruction that references a variable, a value of the variable specifying a destination of the call" and "reading the value for said variable from a database, said database having said value updated in response to action by a user". Examiner respectfully disagrees. Crockett teaches a value of the variable (col. 4, lines 33-38 - *time of day and day of week are variables*) specifying a destination of the call (col. 13, lines 23-31; col. 14, lines 21-39 - *where Crockett discussed a value of the variable, i.e. time, ANI from Eastern, Central, Mountain, Texas, New Jersey, etc., specify a destination of the call, for example, ANI from Eastern, prefer routing the call to Boston*). Again, this is addressed in the above claims rejection, Crockett further teaches information in a database was updating automatically (col. 7, lines 2-9). It would have been obvious to one of ordinary skill in the art that information in a database would require updating either automatically or manually periodically. It would not make any

Art Unit: 2614

sense leaving information in the database without updating. For example, information regarding routing in the database since 1988 that never get updated.

Applicant argues about the Bell reference (remarks, page 16). This is a 103 rejection. Examiner use Bell as a secondary reference for the missing feature in Crockett which is a user update a database. A variable specifies a destination of the call is taught by Crockett.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2614

*Quynh H. Nguyen*

**Quynh H. Nguyen  
Patent Examiner  
Art Unit 2614**